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14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
16

17 In re
18 PG&E Corporation,
19 and
20 PACIFIC GAS AND ELECTRIC
COMPANY,
21 Debtors.
22

Case No. 19-30088-DM

Chapter 11
Lead Case, Jointly Administered

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF FULCRUM CREDIT
PARTNERS, LLC'S RESPONSE TO
REORGANIZED DEBTORS'
OBJECTION TO PROOF OF CLAIM NO.
58562**

23 ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
24 ☒ Affects both Debtors

25 *All papers shall be filed in the Lead Case,
26 No. 19-30088-DM,
27
28

Date: November 9, 2021
Time: 10:00 a.m.
Place: (Tele/Videoconference
Appearances Only)
Courtroom 17
450 Golden Gate Avenue
San Francisco, CA 94102
Judge: Hon. Dennis Montali

1 Pursuant to Rule 201 of the Federal Rules of Evidence, Fulcrum Credit Partners, LLC as
2 Transferee of Tuscan Ridge Associates, LLC requests that this Court take judicial notice of the
3 following document in support of its Response to Reorganized Debtors' Objection To Proof Of
4 Claim No. 58562 Filed By Fulcrum Credit Partners LLC As Transferee Of Tuscan Ridge
5 Associates, LLC:

- 6 1. Relevant pages of the Butte County General Plan 2030 on file with Butte County
7 Development Service, true and correct copies of which are attached hereto as **Exhibit**
8 **A**.¹

9 **BASIS FOR REQUESTING JUDICIAL NOTICE**

10 "Judicial notice" is the court's recognition of the existence of a fact without the necessity
11 of formal proof. See *United States v. Harrison*, 651 F.2d 353, 355 (5th Cir. 1981); *Castillo–*
12 *Villagra v. I.N.S.*, 972 F.2d 1017, 1026 (9th Cir.1992). Facts proper for judicial notice are those
13 facts not subject to reasonable dispute and either "generally known" in the community, or
14 "capable of accurate and ready determination" by reference to sources whose accuracy cannot be
15 reasonably questioned. Fed. Rule Evid. 201.

16 Public records, including those on file with a municipality, are proper subjects for judicial
17 notice. See *Tollis, Inc. v. Cty. of San Diego*, 505 F.3d 935, 938, fn. 1 (9th Cir. 2007) (County
18 "ordinances are proper subjects for judicial notice."); see also *Santa Monica Food not Bombs v.*
19 *City of Santa Monica*, 450 F.3d 1022, 1025, fn. 2 (9th Cir. 2006) (granting request to take judicial
20 notice of municipal ordinances, an event permit application and a City agreement on file with the
21 City Clerk, all of which are public records and "proper subjects for judicial notice").

22 The Butte County General Plan 2030 is just such a public record, not subject to reasonable
23 dispute in that it is capable of accurate and ready determination by resort to sources whose
24 accuracy cannot reasonably be questioned. For those reasons, it is a proper subject of judicial
25 notice.

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¹ A copy of the full Butte County General Plan 2030 can be obtained from Butte County's website
28 at: <https://www.buttecounty.net/dds/Planning/General-Plan/Chapters>

1 For the reasons set forth above, Fulcrum respectfully requests that this Court consider the
2 document attached hereto, in connection with its Response.

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4 DATED: October 26, 2021

ALSTON & BIRD, LLP

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6 By: /s/ Diane C. Stanfield

7 DIANE C. STANFIELD

8 Attorneys for Fulcrum Credit Partners, LLC
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EXHIBIT A



BUTTE COUNTY

G E N E R A L P L A N

D. Future Planned Unit Developments, Area Plans, and Specific Plans

This General Plan envisions the development of two Planned Unit Developments, the Berry Creek Area Plan, and a number of Specific Plans. This section provides an overview of the vision for these planning areas.

1. Planned Unit Developments

There are two land areas that are intended for development as part of a Planned Unit Development (PUD). These areas are described below.

a. Tuscan Ridge Planned Unit Development

The Tuscan Ridge PUD will determine the mix of uses that will occur in a 172-acre area located along the Skyway at the site of the existing Tuscan Ridge Golf Course. Residential uses may be developed in this area, provided that the golf course is also maintained.

b. Paradise Summit Planned Unit Development

The Paradise Summit PUD will determine the mix of uses that will occur in a 333-acre area located southeast of Paradise. The PUD will limit development to not more than 335 dwelling units in a clustered development pattern.

2. Berry Creek Area Plan

Through the Berry Creek Area Plan Overlay, this General Plan identifies Berry Creek as an area for which an Area Plan will be developed by the Berry Creek community. The intent of the Area Plan will be to maintain the rural character of this community while improving opportunities to locate jobs and services in Berry Creek. Any development that occurs prior to adoption of the Area Plan will be subject to the underlying land use designations of General Plan 2030 until and unless the Area Plan is adopted, at which point the land use designations in that Plan will replace the designations in the General Plan.

The future Berry Creek Area Plan will limit development to not more than 300 new dwelling units, in addition to existing development at the time of the Plan's adoption, at rural residential densities in locations suitable for residential development. The Area Plan will allow a total of approximately 20 acres of